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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,631	02/19/2004	Cullen E. Bash	200313170-1	1889

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EXAMINER

BAHTA, KIDEST

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,631

Applicant(s)

BASH ET AL.

Examiner

Kidest Bahta

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 7-20, 22-29, 33-37, 39-42 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Danielson et al. (U.S. Pat. No. 5,497,057).

Regarding claims 1, 20, 25, 34 and 39, Danielson discloses an airflow indicating device having a movable component whose movement substantially corresponds to airflow in a vicinity of the airflow indicating device (Fig. 2); cooling system components (Fig. 2); and a computer system configured to control the cooling system components substantially based upon movement of the movable component (Fig. 1); the movable component comprises a nearly massless streamer configured to flow in the direction of airflow in a vicinity of the airflow indicating device (column 4, lines 34-35); the movable component comprises a movable mass configured to rotate about an axis in response to airflow in a vicinity of the airflow indicating device (column 2, lines 11-23); detecting one or more airflow conditions at one or more locations in the room and determining airflow directions at the one or more locations (column 4, lines 58-59); determining whether the airflow directions are acceptable (column 4, lines 16-20); and manipulating one or more cooling system components to bring airflow directions within acceptable ranges in response to the airflow direction being unacceptable to thereby reduce air recirculation in the room (column 5, lines 30-59).

Regarding claims 5, 7 and 10, Danielson discloses the movable component comprises a windsock configured to rotate about an axis in response to airflow in a vicinity of the airflow indicating device (Fig. 2); the airflow indicating device comprises at least one sensor configured to detect temperature in a vicinity of the airflow indicating device (column 2, lines 11-23).

Regarding claims 8-9, 11 and 23, Danielson discloses the airflow indicating device comprises a pole having a height, said pole comprising a plurality of movable components attached at various heights of the pole (Fig. 2).

Regarding claims 12-19, 24, 27-28, 35-36 and 40-41, Danielson discloses one or more imaging devices positioned in the room to image the airflow indicating device, said one or more imaging devices being configured to transmit obtained images to the computer system and a robotic device configured to traverse the room, said robotic device comprising an imaging device configured to image the airflow indicating device and a memory to store the image (column 2, lines 11-23; columns 4 & 5).

Regarding claims 26, 29, 33, 37 and 44, Danielson discloses positioning a plurality of airflow indicating devices having movable components at the one or more locations in the room (column 4, lines 58-65); and wherein the step of determining airflow directions comprises visually determining movement of the movable components to determine the airflow directions (column 4, lines 18-19).

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6, 21-22, 30-32, 38 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danielson et al. (U.S. Pat. No. 5,497,057) in view of Lentz et al. (U.S. Pat. No. 6,776,817).

Regarding claims 4, 6, 21-22, 30-32, 38 and 42-43, Danielson discloses that limitations of claims 1, 20, 25, 34 and 39 as stated above but fails to disclose the claims limitations of 4, 6, 21-22, 30-32, 38 and 42-43. However, Lentz discloses the limitations of claims 4, 6, 21-22, 30-32, 38 and 42-43 as follow: the movable mass comprises a color changing material, said color changing material configured to change color based upon a temperature of the air in the vicinity of the airflow indicating device (column 2, column 4); the airflow indicating device comprises at least one sensor configured to detect airflow magnitude (column 2, lines 11-23).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teaching of Danielson with the teaching of Lentz in order to provide the ability to stop and/or slow the robotic picker without causing damage to the rack and pinion system on which the robotic picker rides.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kidest Bahta whose telephone number is 571-272-3737. The examiner can normally be reached on Monday - Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kidest Bahta

August 29, 2005

